

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

TIMMER, EUGENE ANTHONY,

Chapter 7

Case No.: 03-61033

Debtor.

NOTICE OF HEARING AND MOTION TO OBJECT TO CLAIM

TO: THE CLAIMANT, THE DEBTOR, THE DEBTOR'S ATTORNEY, AND THE US TRUSTEE:

1. The trustee herein moves the court for the relief requested below and gives notice of hearing.

2. The court will hold a hearing on this motion at 10:00 a.m. on September 29, 2004, at 204 U.S. Courthouse, 118 South Mill Street, Fergus Falls, MN 56537.

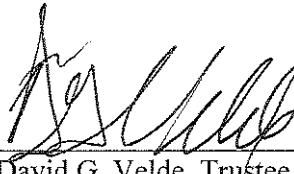
3. Any response to this motion must be filed and served not later than September 20, 2004, at 10:00 a.m., which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays), or filed and served by mail not later than September 15, 2004, which is ten days before the time set for the hearing (excluding Saturdays, Sundays, and legal holidays). UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.

4. This court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is the core proceeding. The petition commencing this chapter 7 case was filed on August 20, 2003. The case is now pending in this court.

5. This motion arises under 11 U.S.C. § 502 and Fed. R. Bankr. P 3007. This motion is filed under Bankruptcy Rule 9014 and local rule 9013. Movant requests relief with respect to the claim filed by Chase Manhattan Bank as Claim No. 5 in the amount of \$11,883.17 and does specifically seek an Order of this Court denying said claim as the claimant previously filed a claim for the same account number referenced and same amount.

Wherefore, the trustee moves the Court for an Order denying Claim No. 5 of Chase Manhattan Bank in the amount of \$11,883.17 and such other relief as may be just and equitable.

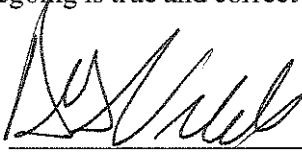
Dated: 8/17/04



David G. Velde, Trustee
1118 Broadway
Alexandria, MN 56308
320-763-6561

Verification. I, David G. Velde, the moving party named in the foregoing notice of hearing and motion, declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

Date: 8/17/04



David G. Velde

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In RE:

TIMMER, EUGENE ANTHONY,

Debtor.

Chapter 7

Case No.: 03-61033

ORDER DENYING CLAIM

It appears to the court that the claim filed by Chase Manhattan Bank as Claim No. 5 in the amount of \$11,883.17 is a duplicate claim.

NOW, THEREFORE, upon the motion of the trustee seeking an Order of this Court denying the claim of Chase Manhattan Bank filed January 26, 2004, in the amount of \$11,883.17, and after a hearing before the court on said motion.

IT IS ORDERED that the claim of Chase Manhattan Bank in the amount of \$11,883.17, filed as Claim No. 5 is denied.

Dated: _____

US Bankruptcy Judge

STATE OF MINNESOTA)
) ss.
COUNTY OF DOUGLAS)

Julie A. Dolman, of the City of Alexandria, County of Douglas, in the State of Minnesota, being duly sworn, says that on the 18th day of August, 2004, she served the attached Notice of Hearing and Motion to Object to Claim and proposed Order, by electronically filing with:

US Bankruptcy Court
204 PO Building
118 S. Mill Street
Fergus Falls MN 56537

and mailing to a copy thereof, enclosed in an envelope, postage prepaid, and by depositing same in the post office at Alexandria, Minnesota, directed to said at:


Habbo G. Fokkena
US Trustee
1015 US Courthouse
300 South Fourth Street
Minneapolis, MN 55415

James W. Shoemaker
Attorney at Law
P.O. Box 1026
Detroit Lakes, MN 56502

Eugene Timmer
2023 - 260th Avenue
Mahnomen, MN 56557

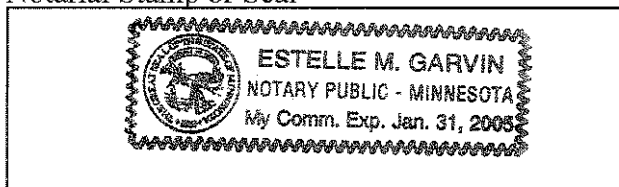
Roylene A. Champeaux
Assistance US Attorney
600 United States Courthouse
300 South Fourth Street
Minneapolis, MN 55415

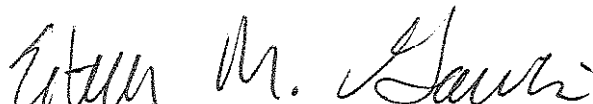
Chase Manhattan Bank
P.O. Box 52176
Phoenix, AZ 85072-2176


Julie A. Dolman

Subscribed and sworn to before me this 18th day of August, 2004.

Notarial Stamp or Seal




Notary Public